

Art Unit: 3714

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flow chart regarding the method of claims 8-18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: A period is needed at the end of claim 1. Appropriate correction is required.

Art Unit: 3714

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19-24 recite a computer program comprising program instructions, which is considered to be non-statutory subject matter because the program is not being disclosed on a computer readable medium.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 19-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19-24 are directed toward two statutory classes claiming both an apparatus and method. It is unclear if applicant is intended to claim a method or apparatus. The examiner will consider claims 19-24 as independent claims and will treat them accordingly.

Art Unit: 3714

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Tarantino (US Pub. No. 2002/0135129).

Regarding claims 1 and 8, Wang discloses a video card game comprising: a visual display unit (figure 1; wherein a display unit shown); a user control panel (figure 1; wherein a user control panel shown); acceptance means to receive an input payment from a player to allow the machine to be operated (figure 1 items 26 and 28; wherein two different payment inputs shown); and a control unit (figure 1; wherein the control unit is with gaming machine) comprising: means for directing the playing of a game by displaying, face-up and face-down, a plurality of cards (figures 2-5); and means for changing a face down card to a face-up card (figures 2-5; wherein the flow chart for play of the game shown); and means for awarding prizes (figures 2 and 4); characterized in that :the control unit comprises: means for displaying, face-up with the indicia thereon visible, a first number of winning cards (figures 2-5); means for displaying face-up a second number of continuance cards (figures 2-5 and paragraphs [0007-0012]); means for displaying face-down a further number of gaming comparison cards (figures 2-5 and paragraphs [0007-0012]); means, on a player operating the control panel, to cause one of the gaming comparison cards to be displayed (figures 2-5); means for comparing the displayed comparison card with each of the winning cards (figures 2-5); means for indicating that a prize winning comparison has been achieved (figures 2-5); means for determining a prize to be awarded on a game winning comparison being achieved (figures 2-5); means to deliver

Art Unit: 3714

the prize to the player (figures 2-5); means for comparing the displayed comparison card with each of the continuance cards (figures 2-5); means for indicating that a game continuance comparison has been achieved (figures 2-5); means for indicating that at least one further free use of the gaming machine can be made without the need to provide further payment; means to allow such use to take place (figures 2-5); means for terminating the game if no further free use of the gaming machine is displayed (figures 2-5).

Regarding claim 2, Tarantino discloses wherein the control unit comprises means to allow the player to choose which gaming comparison card is to be displayed (figures 2 and 4; wherein the player may select a high or low card).

Regarding claim 3, Tarantino discloses wherein displayed to the player the number of remaining free uses of the gaming machine allowed arising out of one or both of a game continuance comparison and a game winning comparison has been achieved (figures 2-5; wherein the number of remaining free uses are the number of cards left to be played or not played).

Regarding claim 4, Tarantino discloses wherein the means to deliver the prize to the player comprises: means to display at least two different choices of prize to the player (figures 2, 4 and paragraphs [0070-0071]); means to allow the player choose the prize (figures 2, 4 and paragraphs [0070-0071]); and means to receive the choice and deliver the prize subsequently (figures 2, 4 and paragraphs [0070-0071]).

Regarding claim 5, Tarantino discloses wherein the means for terminating the game includes means for displaying all the remaining face down cards (figures 2-5).

Regarding claim 6, Tarantino discloses wherein the acceptance means comprises one or more of: a keypad to accept an alpha numeric code; a coin/token release mechanism; and a credit/debit card acceptor means (figure 1, items 26, 28 and paragraph [0024]).

Art Unit: 3714

Regarding claim 7, Tarantino discloses wherein the acceptance means comprises means to dispense coins and/or tokens (figure 1, item 36 and paragraph [0025]).

Regarding claim 9, Tarantino discloses wherein the player is afforded the option to continue the game by causing at least one more gaming comparison card to be displayed (figures 2-5).

Regarding claim 10, Tarantino discloses wherein which there are five winning cards and three continuance cards, with five gaming comparison cards (figures 2-5).

Regarding claim 11, Tarantino discloses wherein there are five of each set of cards (figures 2-5 and paragraph [0013]).

Regarding claim 12, Tarantino discloses wherein when occurrence arises and there are at least two comparison cards left to be played, the player is allowed have two more games (figures 2, 4 and paragraphs [0070-0071]).

Regarding claim 13, Tarantino discloses wherein when occurrence arises, the player is given two chances to continue to play the game and a prize (figures 2 and 4).

Regarding claim 14, Tarantino discloses wherein the player may elect to reject the prize and double a future prize if obtained (paragraph [0070-0071]).

Regarding claim 15, Tarantino discloses wherein the prize is a multiple of the amount of money paid to play the game (paragraph [0027]).

Regarding claim 16, Tarantino discloses wherein on occurrence arising, the player is afforded the option of rejecting the prize and betting the prize on winning a prize on the next play of the game, the control unit offering odds against the occurrence (figures 2 and 4).

Regarding claim 17, Tarantino discloses wherein on the player electing to bet, the machine displays the odds (paragraph [0027]; wherein a pay table is presented to the player).

Art Unit: 3714

Regarding claim 18, Tarantino discloses wherein the odds are randomly chosen from a database of odds (paragraph [0028]).

Regarding claim 19, Tarantino disclose a program instructions to cause a computer to provide the means for carrying out the invention as claimed in claim 1 (figures 1-2, 4 and paragraph [0028]).

Regarding claim 20, Tarantino disclose a program instructions for causing a computer to carry out the method of claim 8 (figures 1-2, 4 and paragraph [0028]).

Regarding claim 21-24, Tarantino disclose a computer program embodied in a computer memory, read-only memory, electrical carrier signal, and optical carrier signal (figures 1-2, 4 and paragraph [0028]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner can normally be reached on Monday - Thursday, 09:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. R./
Examiner, Art Unit 3714

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714